

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**TOBY DYE**, on behalf of himself and  
others similarly situated,

Plaintiff,

VS.

KNIGHT HAWK COAL, LLC, et al.,

Defendants.

) Case No. 3:23-cv-01329-DWD

) Judge David W. Dugan

) ORDER GRANTING FINAL  
 ) APPROVAL OF CLASS ACTION  
 ) SETTLEMENT

Representative Plaintiff Toby Dye (the “Representative Plaintiff”) and Defendants Knight Hawk Coal LLC, Knight Hawk Holdings, LLC and ICG Illinois, LLC (“Defendant”) have moved the Court for an order providing for final approval of the settlement of the above-captioned action in accordance with the Settlement Agreement (including its exhibits, the “Agreement”).

The Court considered all papers filed and proceedings had herein. Due and adequate notice was given to the Class Members in compliance with the procedures set forth the Agreement and this Court's Preliminary Approval Order.

The Court conducted a hearing on June 24, 2025, to consider, among other things, whether the settlement should be approved as fair, reasonable, and adequate and whether Class Counsel's request for attorneys' fees and litigation expenses and the requested service awards should be approved by the Court. Otherwise, being fully informed of the premises, and good cause appearing therefore, **IT IS HEREBY ORDERED:**

1. Unless otherwise defined, all terms used in this Order have the same meanings as defined in the Agreement. (Doc. 83-2).

2. The issues in this case were contested. The Agreement was achieved after arms-length and good faith negotiations between the Parties and their counsel, who have extensive experience litigating collective and class wage and hour claims.

3. The Parties have filed a declaration from the Settlement Administrator verifying that Class Notices were distributed in the form and manner approved by the Court. Three Class Members requested exclusion, and no Class Member objected to the settlement. (Doc. 83-3).

4. The Court finds that the members of the Class were given adequate notice of the pendency of this action, the proposed settlement, and the date of the fairness hearing as ordered by the Court. The Court further finds that the notice was reasonable and the best notice practicable and satisfied the requirements of Rule 23 and due process.

5. The Court finds that the proposed settlement satisfies the standard for final approval of a class action settlement under Rule 23(e). The proposed settlement class satisfies Rule 23(a)'s requirements of commonality, numerosity, typicality, and adequacy of representation, as well as Rule 23(b)'s requirements of predominance and superiority. Representative Plaintiff is an adequate representative of the Class and possesses the same interests and suffered the same alleged injuries as the other Class Members. The Class encompasses persons with like factual circumstances and like claims.

6. The Court finds that the settlement payments made available to the members of the Class Members are commensurate with their alleged claims. The Court

finds that the proposed settlement is fair, reasonable, and adequate as to the Class, and qualifies for final approval under Rule 23(e).

7. The Court appoints Shannon M. Draher of Nilges Draher LLC as Class Counsel.

8. The Court appoints Toby Dye as Class Representative.

9. The Court approves the Agreement and orders that it be implemented according to its terms and conditions.

10. The Court orders that the total settlement of \$1,218,000.00 be distributed in the manner described in the Agreement.

11. The Court approves the service award to Representative Plaintiff in the amount of \$5,000.00, and orders that it be paid in the manner, and upon the terms and conditions, set forth in the Agreement.

12. The Court approves the service awards to the Discovery Class Opt-ins in the amount of \$1,000.00 each, and orders that they be paid in the manner, and upon the terms and conditions, set forth in the Agreement.

13. The Court approves the payment of attorneys' fees of \$406,000.00 (representing one-third of the total settlement amount) as well as their litigation expenses, and orders that such payments be made in the manner, and upon the terms and conditions set forth in the Agreement.

14. The Court approves the payment to the settlement administrator as provided in the Agreement.

15. The Court orders that the Class Members release and discharge the Released Claims as defined in the Agreement.

16. The Court grants final approval of the Settlement.

17. The Court dismisses this action with prejudice.

18. The Court retains jurisdiction over this Action for the purpose of enforcing the Agreement.

19. There being no just reason to delay entry of this Final Order, the Court orders the Clerk of the Court to enter this Final Order immediately, along with Entry of Judgment thereon.

IT IS SO ORDERED  
Date: June 24, 2025

The image shows a handwritten signature in black ink that reads "David W. Dugan". The signature is written over a circular official seal. The seal features an eagle with spread wings, holding an olive branch and arrows, with a shield on its chest. Above the eagle is a constellation of stars. The text "UNITED STATES DISTRICT COURT" is written in a circle around the top, and "SOUTHERN DISTRICT OF ILLINOIS" is written around the bottom.

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David W. Dugan  
United States District Court Judge